



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,420	03/30/2004	Dana J. Orlich	1850.0	4773
22497	7590	11/27/2006		
LARSON AND LARSON 11199 69TH STREET NORTH LARGO, FL 33773			EXAMINER MCNALLY, DANIEL	
			ART UNIT 1733	PAPER NUMBER

DATE MAILED: 11/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/813,420

Applicant(s)

ORLICH, DANA J.

Examiner

Daniel McNally

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trager in view of Bersted et al, Johnson, Schachter and either one of Garr or Kreckel et al for the same reasons as expressed in paragraph 4 of the Office action dated 9/18/2006.
3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied above in paragraph 2, and further in view of Place et al for the same reasons expressed in paragraph 5 of the Office action dated 9/18/2006.
4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied above in paragraph 2, and further in view of Park et al for the same reasons expressed in paragraph 6 of the Office action dated 9/18/2006.
5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied above in paragraph 2, and further in view of Zerilli for the same reasons expressed in paragraph 7 of the Office action dated 9/18/2006.

### ***Response to Arguments***

6. Applicant's arguments filed 10/18/2006 have been fully considered but they are not persuasive.

The applicant argues none of the references used in paragraph 4 of the Office action dated 9/18/2006 disclose stitching with thread an outline of the desired design pattern onto the backing material top surface.

Trager discloses sewing a fabric segment to a background fabric (column 5, lines 39-66). The applicant argues the claimed method requires stitching and does not require sewing; however, the step of sewing by Trager still reads on the requirement of stitching. Trager's sewing results in stitches 44 made with thread as shown in Figure 6. Figure 6 also shows the stitches outlining the design. In addition to Trager's disclosure of sewing, which reads on the stitching requirement, Trager further discloses the step of appliqué stitching, using a thread and stitching to form an attractive border or "outline" around each design component (column 6, line 48-68).

Therefore combining the references used in paragraph 4 of the Office action dated 9/18/2006 results in the method as recited in claims 1 and 4. Because the references meet all of the requirements of claims 1 and 4, the references will also result in any benefit associated with using the claimed method.

The applicant argues neither Garr nor Kreckel suggest using double sided tape for mounting a removable decorative device on a wall, the use of Place et al. is inappropriate because it does not include mounting on a wall and Place et al. does not cure the deficiencies of the references used in paragraph 4 of the Office action dated 9/18/2006.

Garr discloses a decorative wall adornment that is removably secured to a wall using a double-sided adhesive element (column 6, lines 37-61). Kreckel discloses using

double-sided tape for adhering a removable non-slip article, appliqué, poster or "wall decoration" on a wall or other surface (column 6, lines 8-23 and column 7, lines 46-56 and column 9, lines 51-60). Both Garr and Kreckel satisfy the requirements of using a double-sided tape to removably mount a decorative device to a wall. The unsatisfied requirement of claim 2 left by Garr and Kreckel is removing and replacing the double-sided tape. Place et al. meets the unsatisfied requirements of claim 2 (column 3, lines 7-16). It is appropriate to apply Place et al. because Garr and Kreckel satisfy the requirements of using a double-sided tape to removably mount a decorative device to a wall and generally Garr and Kreckel are using a double-sided tape to removably mount an object to a surface. Place et al. is analogous to Garr and Kreckel because Place discloses using a double-sided tape to removable mount an object (a strap) to a surface (automotive body). As noted above there are no deficiencies in the references used in paragraph 4 of the previous Office action. Additionally, it should be pointed out that those skilled in the art of hanging/disposing decorations on a wall surface would have been readily expected to change the adhesive tape and replace the same as needed in order to reapply the decoration on the wall. Such is commonplace in the disposing of posters on a wall, for example.

Therefore combining Place et al. with the references used in paragraph 4 of the previous Office action meets the requirements of claim 2.

The applicant admits the teachings of Park et al. and Zerilli but argues the rejection of claims 3 and 5 because of deficiencies in the references used in paragraph 4 of the previous Office action. As noted above there are no deficiencies in the

references used in paragraph 4 of the previous Office action. Therefore the applicant agrees with the Office interpretation of these references for what they are applied for and the reasoning as to why the teaching of the references would have been combined.

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

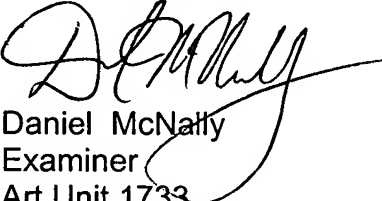
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel McNally whose telephone number is (571) 272-2685. The examiner can normally be reached on Monday - Friday 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Art Unit: 1733

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Daniel McNally  
Examiner  
Art Unit 1733

dpm  
November 15, 2006



JEFF H. AFTERGUT  
PRIMARY EXAMINER  
GROUP 1300